



APPLICATION for a SIDEWALK CAFÉ

CITY OF ALTON, ILLINOIS

Cynthia A. Roth • Alton City Treasurer

101 E Third • Suite 102 • Alton, Illinois 62002

Telephone: (618) 463-3540

Fax: (618) 463-3520

E-mail: croth@cityofaltonil.com

Website: www.cityofaltonil.com

STEP ONE:

_____ **APPLICATION**

- HOLDER OF LIQUOR LICENSE (ISSUED BY THE CITY OF ALTON) MUST SIGN AND DATE APPLICATION, AFFIDAVIT, & DESIGN PROPOSAL!

_____ **APPLICATION FEE**

- **\$50.00 FOR APPLICATION**
(PAYABLE TO: CITY TREASURER...SEPARATE CHECK)

_____ **DESIGN PROPOSAL**

- INCLUDE ALL RELEVANT INFORMATION CONCERNING THE DESIGN OF THE PROPOSED SIDEWALK CAFÉ, INCLUDING THE EXACT SITE AND DIMENSIONS OF PROPOSED SIDEWALK CAFÉ AND INFORMATION CONCERNING THE FURNITURE, FIXTURES AND OTHER ITEMS WHICH ARE TO BE USED ON OR ABOUT THE PROPOSED SIDEWALK CAFÉ.
- ALL SIDEWALK CAFES ON CITY PROPERTY SHALL MAINTAIN AT LEAST SIX FEET IN WIDTH OF SIDEWALK SPACE FOR PEDESTRIAN MOVEMENT. SIDEWALK CAFES SHALL ONLY BE ALLOWED IN DISTRICTS ZONED C-2, C-4 AND MR. NO PERMANENT ADDITIONS OR STRUCTURES OF ANY TYPE SHALL BE PERMITTED ON CITY PROPERTY. HOURS OF OPERATION MAY NOT EXCEED THE FOLLOWING:

MONDAY-SATURDAY: 6:00 AM - 1:00 AM
 SUNDAY: 12:00 NOON - 1:00 AM

_____ **APPROVAL**

- | | |
|-------------------------|----------------------------|
| • FIRE DEPARTMENT _____ | • POLICE DEPARTMENT _____ |
| • PUBLIC WORKS _____ | • PLANNING COMMITTEE _____ |

STEP TWO:

UPON APPROVAL OF APPLICATION @ COUNCIL MEETING

_____ (DATE PRESENTED) _____ (DATE APPROVED)

STEP THREE:

_____ **CERTIFICATE OF INSURANCE**

- COMPREHENSIVE GENERAL LIABILITY IN THE AMOUNT \$1,000,000 PER OCCURRENCE, \$2,000,000 AGGREGATE, FOR LIABILITY DUE TO BODILY INJURY AND/OR PROPERTY DAMAGE CLAIMS (UPDATED FORM NEEDS TO BE TURNED IN TO: CITY CLERK’S OFFICE)

_____ **LEASE AGREEMENT**

- COMPLETED WITH CITY CLERK’S OFFICE (DRAWN UP ANNUALLY VIA: CITY ATTORNEY)

_____ **LEASE PAYMENT**

- **\$100 FOR LEASE OF CITY OWNED PROPERTY**
(PAYABLE TO: CITY TREASURER...SEPARATE CHECK)

STEP FOUR: REGULATORY SIDEWALK CAFÉ LICENSE ISSUED...

_____ (DATE PRINTED) _____ (DATE MAILED)



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All indebtedness to the City must be paid in full before any Regulatory License will be issued.

PRINT OR TYPE ONLY

BUSINESS NAME: _____

PROPOSED ADDRESS OF BUSINESS: _____

WEBSITE: _____

TELEPHONE: _____

Is there a different address for mailing? _____

Illinois Business Tax Number (IBT#): _____

Does this business have additional locations? (If yes, please provide the city and state of other locations.)

BUSINESS OWNER INFORMATION: Please attach a copy of Driver's License, information to be used by Police Department only

Last Name: _____ First Name: _____ Middle Name: _____

Maiden name if applicable: _____

Address: _____ Telephone: _____

E-mail Address: _____ Cell Phone: _____

Date of Birth: _____ Place of Birth: _____ Race: _____

MANAGER (LOCAL CONTACT) INFO: Please attach a copy of Driver's License, information to be used by Police Department only

Last Name: _____ First Name: _____ Middle Name: _____

Maiden name if applicable: _____

Address: _____ Telephone: _____

E-mail Address: _____ Cell Phone: _____

Date of Birth: _____ Place of Birth: _____ Race: _____

PROPERTY OWNER INFORMATION:

Name: _____

Address: _____ Telephone: _____

Own or Lease Space: _____ Square Footage Amount Business will Occupy in Building: _____

Number of Parking Spaces: _____ Number of Handicapped Accessible Spaces: _____

Outdoor Storage (Please Describe): _____

Signage (Please Describe): _____

Improvements/Rehabilitation of Building (Please Describe): _____

DETAILED DESCRIPTION OF TYPE OF BUSINESS: Application will not be processed without this information.

NAICS Code(s) of Business: _____

Will this business be located in a residential or commercial area? _____

Will this be a home occupation? _____

Is this business incorporated? _____ Name of Corporation: _____

Applicant's signature: _____

Title: _____ Date: _____

Planning Department Approval (Initials): _____



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AFFIDAVIT

I _____, d/b/a _____,
have completed and submitted an application for a Business License in the City of Alton, Illinois, with the knowledge that this does not indicate that I have been licensed to operate business. The business will not be licensed until all inspections have been completed and approved.

Signature: _____
Owner *Date*

For office use only:

Signature Date

Approve _____

Denied _____



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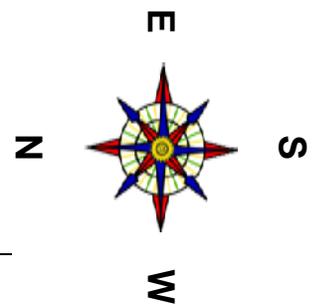
Website: www.cityofaltonil.com

DESIGN PROPOSAL:

SIDEWALK CAFÉ

	<p>1 SQUARE = 1X1'</p> <p>BLDG WIDTH = _____'</p>	

APPROVED DRAWING:



Name

Date



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ARTICLE B. SIDEWALK CAFES

4-7B-1: DEFINITIONS:

The following words and phrases, wherever they occur in this article, shall be construed as herein defined:

APPLICANT: Any person who has filed an application to become a certificate holder under the provisions of this article.

CERTIFICATE HOLDER: Any person holding one or more business regulatory certificates issued pursuant to the provisions contained in chapter 1 of this title for the operation of a sidewalk cafe.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

SIDEWALK CAFE: A publicly accessible outdoor seating area, on public or private property, where alcoholic beverages, nonalcoholic beverages, or food may be served. (Ord. 5669, 6-24-1992; amd. Ord. 7268, 8-24-2011; Ord. 7345, 12-19-2012)

4-7B-2: REGULATORY CERTIFICATE REQUIRED:

It shall be unlawful for any person to operate a "sidewalk cafe", as herein defined, without first obtaining a class C regulatory certificate, as defined in chapter 1 of this title, or a liquor license, as defined in chapter 4 of this title. (Ord. 7345, 12-19-2012)

4-7B-3: APPLICATIONS FOR CERTIFICATE:

An application for the appropriate regulatory certificate to operate a sidewalk cafe may be made pursuant to the provisions of chapter 1 of this title, with the following additional requirements: (Ord. 7268, 8-24-2011)

- A. Only the holder of a liquor license or a class C regulatory certificate issued by the city of Alton may apply for a regulatory certificate to operate a sidewalk cafe. (Ord. 7345, 12-19-2012)



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- B. The application for a regulatory certificate to operate a sidewalk cafe shall contain a design of the proposed layout of the sidewalk cafe, including the location of all tables, chairs, and other items intended to be used or located within the defined area of the sidewalk cafe. The design submitted shall include accurate dimensions of the area and the various furnishings, fixtures and other items to be included within the sidewalk cafe. A description of the furniture, fixtures, and other items to be used on or within the proposed sidewalk cafe shall also be furnished with the application.
- C. All applications submitted to the city treasurer shall be referred to the police department, fire department, public works and city planner for an opportunity to review and comment before the city treasurer concludes his investigation and decision. (Ord. 7268, 8-24-2011)

4-7B-4: PROOF OF INSURANCE REQUIRED:

Following approval of an application for issuance of a regulatory certificate, but prior to the issuance of said regulatory certificate, an applicant shall provide to the city treasurer a certificate of liability insurance which names the city of Alton as an additional insured commensurate with the information contained in the application. (Ord. 6683, 10-23-2002)

4-7B-5: COMPLIANCE WITH DESIGN PROPOSED:

The holder of a regulatory certificate permitting the operation of a sidewalk cafe shall at all times maintain the sidewalk cafe in compliance with the design of the sidewalk cafe as proposed in the original application for the regulatory certificate to operate the sidewalk cafe. Should the holder of the regulatory certificate permitting the operation of a sidewalk cafe desire to vary the design, furniture, or fixtures utilized within the sidewalk cafe, a revised design or plan must be submitted to the city treasurer before changes are made by the holder of the regulatory certificate. The city treasurer upon review of the requested modifications may approve the same in a written approval or request review and input from other departments of the city of Alton. (Ord. 7268, 8-24-2011)

4-7B-6: MAINTENANCE OF CAFES:

All sidewalk cafes shall be cleaned, maintained and repaired on a regular basis. Any public property damaged as a result of the operation of the sidewalk cafe shall be the responsibility



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of the certificate holder to repair. All such repairs and maintenance shall be undertaken immediately upon the request of the city. (Ord. 5669, 6-24-1992)

4-7B-7: LOCATION AND SITE RESTRICTIONS:

- A. Sidewalk cafes shall only be allowed on property within zoning districts zoned C-2, C-4 and MR. (Ord. 5669, 6-24-1992)
- B. All sidewalk cafes located on city property shall maintain at least three feet (3') in width of unimpeded sidewalk space for pedestrian movement. (Ord. 7268, 8-24-2011)
- C. Sidewalk cafes located on city property shall not unreasonably interfere with pedestrian circulation and shall not interfere with the circulation or parking of vehicular traffic.
- D. Sidewalk cafes located on city property shall be directly adjacent to the principal place of business of the certificate holder and no point of the sidewalk cafe shall be greater than one hundred twenty five feet (125') from the main entrance of the principal place of business.
- E. No permanent additions or structures of any type shall be permitted upon city property. (Ord. 5669, 6-24-1992)
- F. There shall be no sale of alcoholic beverages for consumption off of the premises from a sidewalk cafe. (Ord. 7268, 8-24-2011)
- G. All sidewalk cafes shall provide lighting which is appropriate and adequate for the safety of the patrons of the sidewalk cafe and for all others. (Ord. 5669, 6-24-1992)
- H. All patrons on the sidewalk cafe must be seated while holding any alcoholic beverage. (Ord. 7268, 8-24-2011)



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4-7B-8: HOURS OF OPERATION:

The lawful hours of operation shall be:

Monday - Saturday	6:00 A.M. - 1:00 A.M.
Sunday	12:00 Noon - 1:00 A.M.

(Ord. 5898, 7-27-1994)

4-7B-9: REVOCATION OF CERTIFICATES¹:

All regulatory certificates issued pursuant to the terms of this article shall be subject to revocation upon a determination that the certificate holder or the sidewalk cafe is in violation of the terms of this article or is in violation of any other provisions of this code or any other relevant regulatory requirement. All such regulatory certificates shall also be subject to revocation upon a determination that it is in the best interests of the public health, safety or welfare. There shall be no compensation or other recompense to a certificate holder or anyone else in connection with the revocation of a regulatory certificate pursuant to the terms of this article. (Ord. 5669, 6-24-1992)

4-7B-10: VIOLATION:

It shall be unlawful for any person to violate any of the restrictions established in this article with regard to the operation of a sidewalk cafe. Any person who violates the restrictions of the sidewalk cafe regulatory certificate as established herein may be charged with an ordinance violation and the holder of the regulatory certificate may also be charged for permitting or allowing the violation to occur or to continue. (Ord. 7268, 8-24-2011)



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ORDINANCE NO. 7345

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, ARTICLE B OF
THE CITY CODE OF THE CITY OF ALTON PERTAINING TO
SIDEWALK CAFÉ'S

WHEREAS, officials of the City of Alton have recommended changes to the City Code so as to allow non-liquor licensed businesses to apply for a sidewalk cafe; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, AS FOLLOWS:

SECTION ONE

The City of Alton is a Home Rule Unit of Government and as such may exercise any powers or perform any function pertaining to its government and affairs.

SECTION TWO

That subsection B-1 of Chapter 7 of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the definition of "Sidewalk Café" and substituting the following wording therefore:

"SIDEWALK CAFÉ: A publicly accessible outdoor seating area, on public or private property, where alcoholic beverages, non-alcoholic beverages, or food may be served."

SECTION THREE

That subsection B-2 of Chapter 7 of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the present wording thereof and substituting the following wording therefore:



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REGULATORY CERTIFICATE REQUIRED:

“It shall be unlawful for any person to operate a “sidewalk café”, as herein defined, without first obtaining a class C regulatory certificate, as defined in chapter 1 of this title, or a liquor license, as defined in chapter 4 of this title.”

SECTION FOUR

That subsection B-3A of Chapter 7 of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the present wording thereof and substituting the following wording therefore:

“Only the holder of a liquor license or a class C regulatory certificate issued by the city of Alton may apply for a regulatory certificate to operate a sidewalk café.”

SECTION FIVE

All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance or part of any ordinance repealed or superseded hereby. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of this Ordinance or any part thereof repealed by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

SECTION SIX

This Ordinance shall be in full force and effect on and after its passage, approval, and publication in pamphlet form in accordance with State Statutes.

Passed by the City Council of the City of Alton, Illinois, this 17th day of November, 2012.



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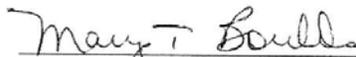
Website: www.cityofaltonil.com

Approved by the Mayor of the City of Alton, Illinois, this 20th day of December, 2012.



Mayor, City of Alton, Illinois

ATTEST:



City Clerk



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ORDINANCE NO. 7268

AN ORDINANCE AMENDING REGULATIONS CONCERNING SIDEWALK CAFÉS

WHEREAS, the City of Alton has previously authorized Sidewalk Cafés to be operated in connection with various businesses holding liquor licenses; and

WHEREAS, the City Council has determined that additional regulations and clarifications to the City Code concerning Sidewalk Cafés are appropriate;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF ALTON, ILLINOIS, AS FOLLOWS:**

SECTION ONE

The City of Alton is a Home Rule Unit of Government and as such may exercise any powers or perform any function pertaining to its government and affairs.

SECTION TWO

That Section 1 of Chapter 7B of Title 4 of the City Code of the City of Alton shall be amended by adding an additional definition that shall provide as follows:

“SIDEWALK CAFÉ: A sidewalk café is defined as an publicly accessible outdoor seating area, on public or private property, where alcohol may be served.”

SECTION THREE

That Section 1 of Chapter 7B of Title 4 of the City Code of the City of Alton, shall be amended by deleting the present wording thereof and substituting the following wording therefore:



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“4-7B-3 APPLICATIONS FOR CERTIFICATE: An application for the appropriate regulatory certificate to operate a Sidewalk Café may be made pursuant to the provisions of Chapter 1 of this Title, with the following additional requirements:

- A. Only the holder of a liquor license issued by the City of Alton may apply for a regulatory certificate to operate a Sidewalk Café.
- B. The application for a regulatory certificate to operate a Sidewalk Café shall contain a design of the proposed layout of the Sidewalk Café, including the location of all tables, chairs, and other items intended to be used or located within the defined area of the Sidewalk Café. The design submitted shall include accurate dimensions of the area and the various furnishings, fixtures and other items to be included within the Sidewalk Café. A description of the furniture, fixtures, and other items to be used on or within the proposed Sidewalk Café shall also be furnished with the application.
- C. All applications submitted to the City Treasurer shall be referred to the Police Department, Fire Department, Public Works and City Planner for an opportunity to review and comment before the City Treasurer concludes his investigation and decision.”

SECTION FOUR

That Section 5 of Chapter 7B of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the present wording thereof and substituting the following wording therefore:

“4-7B-5: COMPLIANCE WITH DESIGN PROPOSED: The holder of a regulatory certificate permitting the operation of a Sidewalk Café shall at all times maintain the Sidewalk Café in compliance with the design of the Sidewalk Café as proposed in the original application for the regulatory certificate to operate the Sidewalk Café. Should the holder of the regulatory certificate permitting the operation of a Sidewalk Café desire to vary the design, furniture, or fixtures utilized within the Sidewalk Café, a revised design or plan must be submitted to the City



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Treasurer before changes are made by the holder of the regulatory certificate. The City Treasurer upon review of the requested modifications may approve the same in a written approval or request review and input from other departments of the City of Alton.”

SECTION FIVE

That Subsection B of Section 7 of Chapter 7B of Title 4 be amended by deleting the present wording thereof and substituting the following wording therefore:

“4-7B-7 (B) – All Sidewalk Cafes located on City property shall maintain at least three feet (3’) in width of unimpeded sidewalk space for pedestrian movement.”

SECTION SIX

That Subsection F of Section 7 of Chapter 7B of Title 4 be amended by deleting the present wording thereof and substituting the following wording therefore:

“4-7B-7 (F) – There shall be no sale of alcoholic beverages for consumption off of the premises from a Sidewalk Cafe.”

SECTION SEVEN

That a new Subsection H of Section 7 of Chapter 7B of Title 4 be added as part of the City Code of the City of Alton, Illinois, as follows:

“4-7B-7 (H) – All patrons on the Sidewalk Café must be seated while holding any alcoholic beverage.”

SECTION EIGHT

That a new Section 10 of Chapter 7B of Title 4 be added as part of the City Code of the City of Alton, Illinois, as follows:

“4-7B-10 – It shall be unlawful for any person to violate any of the restrictions established in this Chapter with regard to the operation of a Sidewalk



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Café. Any person who violates the restrictions of the Sidewalk Café regulatory certificate as established herein may be charged with an ordinance violation and the holder of the regulatory certificate may also be charged for permitting or allowing the violation to occur or to continue. ”

SECTION NINE

If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a Court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck there from and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION TEN

All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance or part of any ordinance repealed or superseded hereby. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of this Ordinance or any part thereof repealed by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

SECTION ELEVEN

That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Alton, Illinois, this 24th day of August, 2011.

Approved by the Mayor of the City of Alton, this 25th day of August, 2011.



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s/ Tom Neukirch

Mayor of the City of Alton, Illinois

ATTEST:

s/ Thary T. Soule

City Clerk, Alton, Illinois



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Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 7345

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, ARTICLE B OF THE CITY CODE OF THE CITY OF ALTON PERTAINING TO SIDEWALK CAFÉ'S

WHEREAS, officials of the City of Alton have recommended changes to the City Code so as to allow non-liquor licensed businesses to apply for a sidewalk cafe; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, AS FOLLOWS:

SECTION ONE

The City of Alton is a Home Rule Unit of Government and as such may exercise any powers or perform any function pertaining to its government and affairs.

SECTION TWO

That subsection B-1 of Chapter 7 of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the definition of "Sidewalk Café" and substituting the following wording therefore:

"SIDEWALK CAFÉ: A publicly accessible outdoor seating area, on public or private property, where alcoholic beverages, non-alcoholic beverages, or food may be served."

SECTION THREE

That subsection B-2 of Chapter 7 of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the present wording thereof and substituting the following wording therefore:

REGULATORY CERTIFICATE REQUIRED:

"It shall be unlawful for any person to operate a "sidewalk café", as herein defined, without first obtaining a class C regulatory certificate, as defined in chapter 1 of this title, or a liquor license, as defined in chapter 4 of this title."

SECTION FOUR

That subsection B-3A of Chapter 7 of Title 4 of the City Code of the City of Alton, Illinois, shall be amended by deleting the present wording thereof and substituting the following wording therefore:

"Only the holder of a liquor license or a class C regulatory certificate issued by the city of Alton may apply for a regulatory certificate to operate a sidewalk café."

SECTION FIVE

All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein

